

THIRD AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF IMMOBILIARE
NEW ENGLAND FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS
GENERAL LAWS CHAPTER 121A AND CHAPTER 652 OF THE ACTS OF 1960, BOTH AS AMENDED

On April 13, 1978, the Boston Redevelopment Authority (the "Authority") voted to adopt a Report and Decision on the Application of Immobiliare New England for Approval of a Project in the Charlestown Navy Yard under Chapter 121A of the General Laws of Massachusetts and Chapter 652 of the Acts of 1960, both as then amended (the "Report and Decision").

On December 10, 1984 Immobiliare New England and Barkan Properties filed an application for a Second Amendment to the Report and Decision (the "Application for the Second Amendment") requesting therein approval of Building 103 Associates Limited Partnership ("Building 103 Associates"), as a 121A entity, to undertake and develop Parcel 3A of the Project Area into approximately 112 rental apartments for the elderly, as more fully described in said Application for the Second Amendment.

On February 20, 1985, the Authority voted to adopt a Second Amendment to the Report and Decision (the "Second Amendment") which approved the development of Parcel 3A and consented to the formation of Building 103 Associates to undertake such development.

The Application for the Second Amendment contained an Appendix 10, entitled "List of Proposed Deviations to Zoning". After consideration of such proposed zoning deviations, the Second Amendment is hereby further amended and revised by inserting before the last paragraph on Page 3 thereof the following paragraph:

"Notwithstanding the zoning deviations set forth in the Report and Decision, Section K, entitled "Deviations", to the contrary, the Authority hereby approves each and every one of the zoning deviations as listed below and finds that such deviations are necessary for carrying out of the development of Parcel 3A of the Project Area and are therefore granted without substantially derogating from the intent and purpose of the applicable laws, codes, ordinances and regulations.

The following deviations from the Boston Zoning Code are granted:

Section 23-1 - Off-Street Parking

Required: .7 spaces per dwelling unit, 112 units, or 78.4 parking spaces required.

Deviation: 9 spaces located on Parcel 3A, but the access driveway is on an adjacent easement area at Parcel 3E.

Section 25-5 - Flood Hazard Districts, Regulations

Required: In the case of a building that lawfully exists, the Board of Appeal's permission is required for reconstruction, structural change or extension thereof.

Deviation: A variance from the provisions of Article 25 for the reconstruction or restoration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission under the provisions of Chapter 772 of the Acts of 1975.

Section 17-1 - Minimum Usable Area Space, and Section 13-1, Table B, Dimensional Requirements.

Required: 150 square feet per dwelling unit, 112 dwelling units, or 16,800 square feet.

Deviation: 0

Section 18-1 - Front Yard Requirements, and Section 13-1, Table B, Dimensional Requirements.

Required: 20 feet

Deviation: 1 foot±

Section 19-1 and 19-6 - Side Yard Requirements, and Special Provisions for Corner Lots, and Section 13-1, Table B, Dimensional Requirements.

Required: 10 feet on the northwest side (9th Street) and 32.5 feet on the southeast side (fire lane).

Deviation: 7 feet ± on the northwest side and 30+ feet on the southeast side.

Section 20-1 - Rear Yard Requirements, and Section 13-1, Table B,
Dimensional Requirements.

Required: 32.5 feet

Deviation: 11± feet"

All of the other provisions of the Second Amendment remain in full force and effect.

MEMORANDUM

APRIL 18, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: WILLIAM E. MCGRATH, 121A COORDINATOR
KEVIN J. MORRISON, ASSISTANT GENERAL COUNSEL

SUBJECT: THIRD AMENDMENT TO REPORT AND DECISION ON CHAPTER 121A APPLICATION
OF IMMOBILIARE NEW ENGLAND CHARLESTOWN URBAN RENEWAL AREA

On February 20, 1980, the Authority voted to adopt a Second Amendment to the Report and Decision (the "Second Amendment") on the Application of Immobiliare New England ("Immobiliare") for approval of the development of Parcel 3A of the Charlestown Navy Yard in accordance with the Development Agreement with Immobiliare, dated December 7, 1978 and as amended, and the consent to Building 103 Associates Limited Partnership as the 121A entity to undertake the development of said Parcel 3A for approximately 112 rental apartments for the elderly.

A list of proposed zoning deviations was attached to the application for the Second Amendment, Appendix 10, and such appendix was inadvertently not included in the application as submitted to the Authority or as modified in the Second Amendment which was adopted.

Such zoning deviations as modified are necessary for the development of Parcel 3A, and therefore we recommend that the Authority approve the attached Third Amendment which specifically identifies the deviations and incorporates the same within the Second Amendment.

In the opinion of the Chief General Counsel, the Third Amendment does not represent a fundamental change and does not require a public hearing.

Appropriate Vote follows:

VOTED: That the document presented at this meeting, entitled "Third Amendment to the Report and Decision on the Application of Immobiliare New England for the Authorization and Approval of a Project under General Laws Chapter 121A and Chapter 652 of the Acts of 1960, Both As Amended", be and hereby is approved and adopted.